

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
(Indianapolis Division)**

RED BARN MOTORS, INC.,	*	DOCKET NO. 1:14-cv-01589-TWP-DML
PLATINUM MOTORS, INC., and	*	
MATTINGLY AUTO SALES, INC.,	*	CLASS ACTION
individually, and on behalf of other	*	
members of the general public	*	
similarly situated,	*	
	*	
v.	*	
	*	
COX ENTERPRISES, INC.,	*	
COX AUTOMOTIVE, INC.,	*	
NEXTGEAR CAPITAL, INC.,	*	
F/K/A DEALER SERVICES	*	
CORPORATION, successor by merger	*	
with Manheim Automotive Financial	*	
Services, Inc., and JOHN WICK		

JOINT NOTICE REGARDING FORM OF CLASS NOTICE

NOW INTO COURT come Plaintiffs Red Barn Motors, Inc., Platinum Motors, Inc., and Mattingly Auto Sales, Inc. and Defendants Cox Automotive, Inc., NextGear Capital, Inc., and John Wick and respectfully submit this joint notice regarding form of class notice.

In its August 11, 2017 Order, the Court required the parties to meet and confer regarding the proposed form of class notice and to submit competing versions of the class notice to the Court no later than September 15, 2017 in the event of disagreement on the form of class notice. Dkt. 239 at 5. The parties have met and conferred and have agreed on two proposed forms of class notice, which are attached hereto as **Exhibit A** and **Exhibit B**.

Exhibit A represents a form of class notice to be used if class notice is sent to the entire class, including both the 17,411 class members whose information has been provided by Defendants and the 9,980 class members whose information has not been provided by Defendants

due to their argument that those class members' claims are subject to an arbitration agreement and class waiver. Exhibit B represents a form of class notice to be used if class notice is sent only to the 17,411 class members while Defendants' motions—Rule 72 objection (Dkt. 240), motion for protective order (Dkt. 244), and/or motion to narrow the class (Dkt. 237)—are pending or in the event they are decided in Defendants' favor. The only difference between the two versions of the notice is the inclusion of the highlighted language in Exhibit A, which relates to Defendants' arguments that some of the class members' claims are subject to an arbitration agreement and class waiver.

Plaintiffs intend to file a motion within the next seven (7) days setting forth proposed procedures for class notice, and Defendants reserve all rights to oppose such motion.

Respectfully submitted,

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*(filed with consent of Jason McCarter by email,
9/15/17)*

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of September, 2017, a copy of the foregoing was filed electronically. Notice of the filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

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